

Filed for intro on 02/02/95
House Bill _____
By _____

Senate No. SB1165
By Henry

AN ACT to amend Tennessee Code Annotated, Title 36, Chapter 4, relative to divorce.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. The title of this act is and may be cited as the "Family First Act".

SECTION 2. Tennessee Code Annotated, Section 36-4-103(c) is amended by deleting the subsection in its entirety and by substituting instead the following language:

(c)(1) Bills for divorce on the ground of irreconcilable differences must have been on file for sixty (60) days before being heard if the parties have no unmarried child under eighteen (18) years of age. Any filing under this subsection commences on the date the original bill was filed and not on the date the bill was amended to include the ground of irreconcilable differences.

(2)(A) In any action for divorce when the parties have any minor children of the marriage, the court shall not issue a final order thereon for at least six (6) months from the earlier date of:

(i) Service of the summons on the defendant or first date of publication of the notice of the petition; or

(ii) Entry of appearance by the defendant.

Such six (6) month period may be waived by the court if the court finds that a waiver is justified by exceptional circumstances (which the court shall describe in its order) and is not detrimental to the best interest of the minor children of the parties.

(B) In any action for divorce on grounds of irreconcilable differences and the parties have any minor children of the marriage, if both parties to the action do not consent to the grounds of irreconcilable differences, the court may refuse to grant the divorce on such grounds, if the court finds that such divorce would not be in the best interests of the minor children of the marriage.

(C) The court may direct that the parties participate in marital, reconciliation, or family counseling.

SECTION 3. This act shall take effect July 1, 1995, the public welfare requiring it.

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